

REMARKS

In the May 15, 2006 Office Action, the Examiner noted that claims 1-6, 14-19, 25-31 and 37-53 were pending and were rejected under 35 USC § 103. In rejecting the claims, the following U.S. Patents were cited: 5,717,939 to Bricklin et al.; 5,793,350 to Chandavarkar et al.; 6,388,638 to Fukushima et al. (References A (p.1), H (p.2) and K (p.2), respectively, in the June 6, 2003 Office Action); 5,809,183 to Serizawa et al. (Reference A in the May 19, 2004 Office Action); and 6,549,214 to Patel et al. (Reference J in the April 1, 2005 Office Action). In addition, U.S. Published Patent Application 2002/0030686 by Sakai et al. (Reference A in the May 15, 2006 Office Action) was cited. Claims 1-6, 14-19, 25-31 and 37-53 remain in the case. The rejections are traversed below.

Although the references used in the rejections are slightly different for different sets of claims, all of the rejections rely on Sakai et al. However, as indicated by the Assignment recorded at Reel 11654, Frame 0521, Sakai et al. is assigned to Fujitsu Limited, as is the subject application (see the Assignment recorded at Reel 1168, Frame 759). The provisions of 35 U.S.C. § 103(c)(1), as amended on November 29, 1999 for applications filed after that date, excludes commonly owned prior art. As the subject application was filed April 6, 2001, and Sakai et al. was filed on March 29, 2001, Sakai et al. is not prior art under 35 U.S.C. § 103. Therefore, withdrawal of the rejection is respectfully requested.

Summary

As acknowledged by the Examiner in relying on Sakai et al. in all of the rejections, the prior art references do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-6, 14-19, 25-31, and 37-53 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/826,914

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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on 9-15-06
By Richard A. Gollhofer
Date 9-15-06